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Attorney for: Defendant Daniel Rangel

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL RANGEL,

Defendant.

CR NO. 07-00788 JF (NJV)

(1) UNOPPOSED MOTION,
(2) DECLARATION OF MARK D. EIBERT
IN SUPPORT THEREOF, AND
(3) [PROPOSED] ORDER TO WAIVE
DEFENDANT'S PERSONAL
APPEARANCE AT STATUS
CONFERENCE

Date: August 13, 2008

Time: 10:00 a.m.

I, Mark D. Eibert, declare as follows:

1. I am an attorney admitted to practice before the bar of this Court and the appointed counsel of record for defendant Daniel Rangel. If called as a witness, I could and would testify competently to the following.

2. This Court had originally set a status conference for August 6, 2008, in this multi-defendant case. The minutes indicate that at the time that status conference was set, "[t]he court waive[d] defendants appearances for status hearings."

1 3. The Court later reset the August 6 status conference on its own motion for August 13,
2 2008. The Order did not specify that client appearances were waived.

3 4. Mr. Rangel is a truck driver who works throughout the United States, with the
4 approval of Pretrial Services. He is currently on the East Coast, and expects to be in the Midwest
5 on or about August 13. He would have to fly back for the hearing if his appearance is not
6 waived. This will cost him work and income.

7 5. Other defendants are asking to have their appearances waived as well.

8 6. The U.S. Attorney handling this case, Mr. Nedrow, has graciously stated that he has no
9 objection to Mr. Rangel's appearance being waived.

10 7. I therefore respectfully ask the Court to enter the Order below waiving Mr. Rangel's
11 appearance at the August 13 status conference.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed on
13 August 4, 2008, in Half Moon Bay, California.

14 Respectfully submitted,

15
16 /s/ Mark D. Eibert

17 MARK D. EIBERT
18 Attorney for Defendant Daniel Rangel
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20 **ORDER**

21 Good cause appearing therefore, it is hereby ORDERED that defendant Daniel Rangel is
22 excused from attending the August 13, 2008 status conference in the above case.

23 Dated: August ____, 2008

24 _____
UNITED STATES MAGISTRATE JUDGE
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